

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ROBERTO MORENO-GONZALEZ,
BOP# 91859-079,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

* Motion to Vacate
* 28 U.S.C. § 2255
*
*
* Criminal Action No.
* 1:03-CR-493-ELR-JEM-14
*
* Civil Action No.
* 1:24-CV-3582-ELR-JEM
*
*

ORDER

This case is before the Court on Petitioner's *pro se* Motion to Vacate, Set Aside, or Correct Sentence, which Petitioner filed under 28 U.S.C. § 2255 ("§ 2255 Motion"). [Doc. 2690.] For the reasons stated in the Magistrate Judge's Report and Recommendation ("R&R") [Doc. 2695], particularly that the District Court lacks subject matter jurisdiction to consider the present § 2255 motion, the Court dismisses Petitioner's § 2255 Motion.

Accordingly, the Court **ADOPTS** the R&R [Doc. 2695] and **DISMISSES** Petitioner's § 2255 Motion. [Doc. 2690.] The Court **DIRECTS** the Clerk to

CLOSE the civil case associated with Petitioner's § 2255 Motion: Civil Action No. 1:24-cv-3582-ELR-JEM.¹

SO ORDERED, this 14th day of November, 2024.



Eleanor L. Ross
United States District Judge
Northern District of Georgia

¹ The undersigned offers no recommendation regarding a certificate of appealability because 28 U.S.C. § 2253(c) does not apply to this case. See Hubbard v. Campbell, 379 F.3d 1245, 1247 (11th Cir. 2004) (per curiam) (explaining that (1) dismissal of habeas petition for lack of subject matter jurisdiction is not “a final order in a habeas corpus proceeding” within the meaning of § 2253(c), and (2) Eleventh Circuit has jurisdiction to review dismissal under 28 U.S.C. § 1291); 28 U.S.C. foll. § 2255, Rule 11(a) (indicating that § 2253(c) generally applies to § 2255 motions).